

DEMOCRATIC BANNER.

MINOR & MURRAY, Editors.

"SALUS POPULI, SUPREMA LEX ESTO."

A. J. PICKENS, Publisher.

Volume 1.

BOWLING-GREEN, PIKE COUNTY, MO., SATURDAY, JUNE 28, 1845.

Number 21.

The following address was delivered to the jury in the case of Bardell vs. Pickwick, for breach of marriage contract; we commend it to our readers as among the best of the very few good things which Dickens ever wrote:

Sergeant Buzfuz then arose with all the majesty and dignity which the grave nature of the proceedings demanded, and having whispered to Dodson, and conferred briefly with Fogg, pulled his gown over his shoulders, settled his wig, and addressed the jury.

Sergeant Buzfuz began by saying, that never, in the whole course of his professional experience—never, on the very first moment of his applying himself to the study and practice of the law—had he approached a case with feelings of such deep emotion, or with such a heavy sense of the responsibility imposed upon him—a responsibility, he would say, which he could never have supported, were he not buoyed up and sustained by a conviction so strong, that it amounted to positive certainty, that the cause of truth and justice, or, in other words, the cause of his much-injured and most oppressed client, must prevail with the high-minded and intelligent dozen of men whom he now saw in that box before him.

Counsel always begin in this way, because it puts the jury on the very best terms with themselves. & makes them think what sharp fellows they must be. A visible effect was produced immediately, several juriesmen beginning to take voluminous notes with the utmost eagerness.

"You have heard from my learned friend, gentlemen," continued Sergeant Buzfuz, well knowing that, from the learned friend alluded to, the gentle men of the jury had heard just nothing at all—"you have heard from my learned friend, gentlemen, that this is an action for a breach of promise of marriage, in which the damages are laid at 1500*l*. But you have not heard from my learned friend, inasmuch as it did not come within my learned friend's province to tell you, what are the facts and circumstances, of the case. These facts and circumstances, gentlemen, you shall hear detailed by me, and proved by the unimpeachable female whom I will place in that box before you."

Here Mr. Sergeant Buzfuz, with a tremendous emphasis on the word "box," smote his table with a mighty sound, and glanced at Dodson and Fogg, who nodded admiration of the sergeant, and indignant defiance of the defendant.

"The plaintiff, gentlemen," continued Sergeant Buzfuz, in a soft and melancholy voice, "the plaintiff is a widow, yes, gentlemen, a widow. The late Mr. Bardell, after enjoying for many years, the esteem and confidence of his sovereign, as one of the guardians of his royal revenues, glided almost imperceptibly from the world, to seek elsewhere for that repose & peace which a custom house can never afford."

At this pathetic description of the decease of Mr. Bardell, who had been knocked on the head with a quart-pot in a public house cellar, the learned sergeant's voice faltered, and he proceeded with a great motion—"Some time before his death, he had stamped his likeness upon a little boy. With this little boy, the only pledge of her departed existence, Mrs. Bardell shrunk from the world, and courted the retirement and tranquility of Goswell street; and here she placed in her front-parlor-window a written placard, bearing this inscription—"Apartments furnished for a single gentleman. Enquire within."

Here Sergeant Buzfuz paused, while several gentlemen of the jury took a note of the document.

"There is no date to that," is there, Sir?" inquired a juror.

"There is no date, gentlemen," replied Sergeant Buzfuz; "but I am instructed to say that it was put in the plaintiff's parlor window just this time three years. I entreat the attention of the jury to the wording of this document—"Apartments furnished for a single gentleman!" Mrs. Bardell's opinions of the opposite sex, gentlemen, were derived from a long contemplation of the inestimable qualities of her lost husband. She had no fear—she had no distrust—she had no suspicion—all was confidence and reliance. "Mr. Bardell," said the widow; "Mr. Bardell was a

man of honor—Mr. B. was a man of his word—Mr. Bardell was no deceiver—Mr. Bardell was once a single gentleman himself; to single gentlemen I look for protection, for assistance, for comfort, and for consolation—in single gentlemen I shall perpetually see something to remind me of what Mr. Bardell was, when he first won my young and untried affections; to a single gentleman, then, shall my lodgings be let." Actuated by this beautiful and touching impulse, (among the best impulses of our imperfect nature, gentlemen,) the lonely and desolate widow dried her tears, furnished her first floor, caught her innocent boy to her maternal bosom, and put the lull up in her parlor window. Did it remain there long? No. The serpent was on the watch, the train was laid, the mine was prepared, the snapper and miner was at work. Before the bill had been in the parlor window three days—three days gentlemen—a being, erect upon two legs, and bearing all the outward semblance of a man, and not of a monster, knocked at the door of Mrs. Bardell's house. He enquired within; he took the lodgings; and on the very next day he entered into possession of them. This man was Pickwick—Pickwick the defendant."

Sergeant Buzfuz, who had proceeded with such volubility that his face was perfectly crimson, here paused for breath. The silence awoke Mr. Justice Stareleigh, who immediately wrote down something with a pen without any ink in it, and looked unusually profound, to impress the jury with the belief that he was thought most deeply with his eyes shut. Sergeant Buzfuz proceeded.

"Of this man Pickwick I will say little; the subject presents but few attractions; and I, gentlemen, am not the man, nor are you, gentlemen, the men, to delight in the contemplation of revolting heartlessness, and of systematic villany."

Here Mr. Pickwick, who had been writhing in silence for some time, gave a violent start, as it were, vague idea of assaulting Sergeant Buzfuz, in the august presence of justice and law, suggested itself to his mind. An adversary gesture from Perker restrained him, and he listened to the learned gentleman's continuation with a look of indignation, which contrasted forcibly with the admiring faces of Mrs. Cluppins and Mrs. Sanders.

"I say systematic villany, gentlemen," said Sergeant Buzfuz, looking through Mr. Pickwick, and talking at him; "and when I say systematic villany, let me tell the defendant, Pickwick, if he be in court, as I am informed he is, that it would have been more decent in him, more becoming, in better judgement and in better taste, if he had stopped away. Let me tell him, gentlemen, that any gesture of dissent or disapprobation in which he may indulge in this court will not go down with you; that you will know how to value and how to appreciate them; and let me tell him further, as my lord will tell you, gentlemen, that a counsel in his discharge of his duty to his client, is neither to be intimidated nor bullied, nor put down; and that any attempt to do either the one or the other, or the first, or the last, will recoil on the head of the attorney, be he plaintiff, or be he defendant, be his name Pickwick, or Noakes, or Strokes, or Stiles, or Brown, or Thompson."

This little divergence from the subject in hand, had of course the intended effect of turning all eyes to Mr. Pickwick. Sergeant Buzfuz, having partially recovered from the state of moral elevation into which he had lashed himself, resumed—

"I shall show you, gentlemen, that for two years Pickwick continued to reside constantly, and without interruption or intermission, at Mrs. Bardell's house. I shall show you that Mrs. Bardell, during the whole of that time, waited on him, attended to his comforts, cooked his meals, looked out his linen for the washerwoman when it went abroad, darned, aired, and prepared it for wear, when it came home, and, in short, enjoyed his fullest trust and confidence. I shall show you that, on many occasions, he gave half-pence, & on some occasions even sixpences, to her little boy; and I shall prove to you, by a witness whose testimony it will be impossible for my learned friend to weaken or controvert, that on one occasion he patted the boy on the head, and, after inquiring whether he had won any alley tarts or commoners

lately (both of which I understand to be a particular species of marbles much prized by the youth of this town,) made use of this remarkable expression—"How should you like to have another father?" I shall prove to you further, gentlemen, that about a year ago, Pickwick suddenly began to absent himself from home, during long intervals, as if with the intention of gradually breaking off from my client; but I shall show you also, that his resolution was not at that time sufficiently strong, or that his better feelings conquered, or that his better feelings of my client prevailed over his unmanly intentions, by proving to you, that on one occasion, when he returned from the country, he distinctly and in terms, offered her marriage; previously however, taking special care that there should be no witnesses to their solemn contract; and I am in a situation to prove to you, on the testimony of three of his own friends—most unwilling witnesses, gentlemen—most unwilling witnesses—that that on morning he was discovered by them holding the plaintiff in his arms, and soothing her agitation by his caresses and endearments."

A visible impression was produced upon the auditors by this part of the learned sergeant's address. Drawing forth two very small scraps of paper, he proceeded—

"And now, gentlemen, but one word more. Two letters have passed between these parties, letters which are admitted to be in the handwriting of the defendant, and which speak volumes indeed. These letters, too, bespeak the character of the man. They are not open, fervent, eloquent epistles, breathing nothing but the language of affectionate attachment. They are covert, sly, underhanded communications, but, fortunately, far more conclusive than if couched in the most glowing language and the most poetic imagery—letters that must be viewed with a cautious and suspicious eye—letters that were evidently intended at the time, by Pickwick, to mislead and delude any third parties into whose hands they might fall. Let me read the first:—"Garraway's, twelve o'clock. Dear Mrs. B.—Chops and Tomato sauce. Yours Pickwick." Gentlemen, what does this mean?—Chops and Tomato sauce. Yours Pickwick! Chops! Gracious heavens! and Tomato sauce! Gentlemen, is the happiness of a sensitive and confiding female to be trifled away, by such shallow artifices as these?—The next has no date whatever, which is in itself suspicious.—"Dear Mrs. B., I shall not be at home tomorrow. Slow coach." And then follows this very remarkable expression—"Don't trouble yourself about the warming-pan." The warming-pan! Why, gentlemen, who does trouble himself about a warming-pan? When was the peace of mind of man or woman broken or disturbed by a warming-pan, which is in itself a harmless, a useful, & I will add, gentlemen, a comforting article of domestic furniture? Why is Mrs. Bardell so earnestly entreated not to agitate herself about this warming-pan, unless (as is no doubt the case) it is a mere cover for hidden fire—a mere substitute for some endearing word or promise, agreeably to a preconcerted system of correspondence, artfully contrived by Pickwick with a view to his contemplated desertion, and which I am not in a condition to explain? And what does this allusion to the slow coach mean? For aught I know, it may be a reference to Pickwick himself, who has most unquestionably been a criminally slow coach during the whole of this transaction, but whose speed will now be very unexpectedly accelerated, and whose wheels, gentlemen, as he will find to his cost, will very soon be greased by you!"

Mr. Sergeant Buzfuz paused in his place, to see whether the jury smiled at his joke; but as nobody took it but the green-grocer, whose sensitiveness on the subject was very probably occasioned by his having subjected a chaise-cart to the process in question on that identical morning, the learned sergeant considered it advisable to undergo a slight relapse into the dismal before he concluded.

"But enough of this, gentlemen," said Mr. Sergeant Buzfuz, "it is difficult to smile with an aching heart; it is ill jesting when our deepest sympathies are awakened. My client's

hopes and prospects are ruined, and it is no figure of speech to say that her occupation is gone indeed. The bill is down—but there is no tenant. Eligible single gentlemen pass and repass—but there is no invitation for them to inquire within, or without. All is gloom and silence in the house; his infant sports are disregarded when his mother weeps; his 'alleys tarts' and his 'commoners' are like neglected; he grovels the long familiar cry of 'knuckle down,' & at tip-cheese, or odd and even, his hand is out.—But Pickwick, the ruthless destroyer of this domestic oasis in the desert of Goswell-street—Pickwick who has choked up the well, and thrown ashes on the sward—Pickwick, who comes before you to-day with his heartless tomato sauce and warming-pan—Pickwick still rears his head with unblushing effrontery, and gazes without a sigh on the ruin he has made. Damages, gentlemen—heavy damages is the only punishment with which you can visit him; the only recompense you can award to my client. And for those damages she now appeals to an enlightened, a high-minded, a right-feeling, a conscientious, a dispassionate, a sympathizing a contemplative jury of her civilised countrymen." With this beautiful peroration, Mr. Sergeant Buzfuz sat down, and Mr. Justice Stareleigh woke up.

TO DESTROY FLIES.

The correspondent of the Cincinnati Chronicle gives us the following:

It is perhaps not generally known that black pepper (not red) is a poison for many insects. The following simple mixture is the best destroyer of the common house fly.—Take equal portions of fine black pepper, fresh ground, and sugar, say enough of each to cover a ten cent place, moisten and mix well with a spoonful of milk, (a little cream is better); keep that in your room, and you will keep down your flies. One advantage over other poisons is that it injures nothing else; and another, that the flies seek the air, & never die in the house—the windows being open.

VAGARIES OF LIGHTNING.

The Pittsburgh Ariel tells the following, and of course vouches for its truth:

"A very singular freak of lightning occurred in Leroy, Bradford county, last week. It struck the corner of a chimney of Morse's tavern, ran down the stove-pipe into the bar-room, where all the tumbler sitting on the bar fell on their sides with their tops towards the stove, very much after the fashion of good Persian fire-worshippers. Thence it went through the floor, drove down the outside of the cellar wall, made a hole through that, and demolished a barrel of beer, and then stove in the head of a whiskey barrel, not stopping to drink. A young man had just drawn some of the latter, and was filling a bottle with a funnel.—The bottle was the next object of attraction, and that was shivered into small particles. The visitor struck the young man above his knees, ran down his pantaloons, and got out at the toes of his boots, leaving some blisters. This rendered the gentleman somewhat oblivious, and when his senses came back the lightning had stepped out, but by what passage is not known. A 'strange streak of lightning' that."

'PUTTING IT ON THICK.'

A house painter of our acquaintance has a son, a mere lad, who occasionally assists him in his jobs.—He used the brush dexterously, but unfortunately he had acquired the habit of 'putting it on a little too thick.' The other day his father, after having frequently scolded him for his lavish dabbling, and all to no purpose, gave him a severe flagellation. "There, you young rascal," said he, after performing the painful duty, "how do you like that?" "Well, I don't know, dad," whined the boy in reply, "but it seems to me you put it on a darn'd sight thicker than I did."

A SHARP RETORT.

"How does the razor cut," said a barber, while shaving one of customers. "Pretty well, I should think, You've cut me in two places already."

STATE LOAN AND THE PALMYRA BRANCH.

We stated in a previous number of the Herald, that the Governor, after failing at other places, had applied to the branch Bank at Palmyra for a loan in pursuance of the act of the legislature to meet the interest due on State bonds. Since then we understand that the branch Bank at Palmyra has discounted a bond for fifteen thousand dollars, which after deducting nine hundred dollars—one year's interest at six per cent—left for the use of the State, fourteen thousand one hundred dollars. With this the State was able to pay off all the interest due on the 16th and 30th of May, and 1st of June, being all the interest due till November and Dec. next. The Palmyra Branch, though limited in her means just at the time of making the application to her, would have loaned even more than fifteen thousand dollars, had it been necessary at that time to do so, to save the credit of the State. We understand that some objection was made to the loan by the directors on the ground that the interest on the bonds offered by the State was not paid quarterly; but the majority of the directors properly appreciated this matter and voted for the loan, knowing that it was better for the Bank to receive \$900, a whole year's interest in advance, than to receive but \$225, or one quarter's interest only in advance. Interest at 6 per cent, paid one year advance, is nearly equal to six and one half per cent paid quarterly; so that the loan to the State is not only perfectly secure, but is also nearly as profitable to the Banks, as loans to individuals, admitting that all of these were perfectly secure, an admission, however, which, in reference to bank loans to individuals, is always unfounded. [Mo. Herald.]

TO THE PRAIRIES.

We understand that upwards of forty young men, from no less than nineteen States, have made arrangements to accompany Mr. Whitney's party this summer, to examine a portion of the route proposed for the great Oregon railroad. Mr. Whitney will not allow any to take part in the expedition, of whom he can have any reason to apprehend that they might not prove agreeable or desirable companions. There are no limits to the number who may go; the more the merrier. Mr. Whitney will leave New York on the 24 of June and proceed immediately to Milwaukee, the place of rendezvous, stopping a day at Buffalo, and another at Detroit. He expects to start from Milwaukee from the 12th to the 15th of June. The absence will be between three and four months, and he computes that the whole expense to each person will not exceed \$130—traveling expenses included.—[N. Y. News.]

NAPOLEON IN TEARS.

We find the following anecdote of the great Napoleon, in one of our exchanges:

"He was riding late one day over a battle-field, gazing stern and unmoved on the dying and the dead that strewed the ground by thousands about him, when suddenly "those evening bells struck up a merry peal. The emperor paused to listen, his heart softened, memory was busy with the past; he was no longer the conqueror of Austerlitz, but the innocent, happy school boy at Brienz; and dismounting from his horse, he seated himself on the stump of an old tree, and to the astonishment of Rapp, who relates the circumstance, burst into tears."

"Some of the British periodicals write so insolently against the United States, that they provoke even the anti-Texas whigs in this country. A few more manifestations of English hostile designs will unite us as one man. The London Colonial Magazine, maintaining that war between the two countries "cannot but be productive of good," has these sentences, amongst others of a similar character:—"Then, again, the English people are, with few exceptions, anxious that a war should take place, in order that the disgrace of Banker's Hill may be wiped out. America has long insulted us, and pacific answers have alone been returned."

NEW AND FEARFUL MODE OF EXECUTION.

It appears from the Journal of a European traveller, that a new and frightful mode of execution has recently been adopted by the Great Mogul. The instrument and the process are thus described:

A box, each side of which is 15 feet square, is constructed of solid timber, about 18 inches thick, dovetailed together and braced with iron rods. The outside of the bottom of the box is covered with a plate of beaten iron, 1 inch in thickness.—The interior is filled with perfect cubes of granite, weighing in the aggregate, several thousand tons. A machine is erected after the manner of an ordinary pile driver, but of course on an enormous scale, and of tremendous strength. The mass is raised by means of powerful machinery, cast in Birmingham for the express purpose; though it is to be presumed that the machinist by whom the work was furnished, had no idea of the horrible purpose for which it was intended. The human victim is placed upon a block of granite, of a corresponding surface, buried in the earth immediately beneath the enormous mass, and likewise covered with a plate of iron. At a signal by the vicramadack, the executioner touches a spring. The mass falls! and the victim, crushed at once, is suddenly annihilated and spread out like a sheet of pasteboard. The huge weight being again raised, the flattened body is withdrawn & dried in the sun. When completely prepared, it is hung up on the walls of a public building, there to serve as a warning to the multitude.

DEATH OF A VENERABLE MAN.

Henry Seiber, died on the 15th ult., at German Flats, N. Y., aged one hundred and one years and two months. Mr. Seiber was born at Indian Castle, Tryon county, N. Y. on the 15th March, 1741. He served in the old French war, and at the commencement of the revolution enlisted in his country's service. He was at the memorable battle of Oriskany, under General Herkimer, in which engagement he received three wounds, one by a ball which lodged in his thigh, and the removal of which was deemed unadvisable by the surgeon. This ball he carried with him to his grave.

SUICIDE FOR LOVE.

A Miss Bart, of Franconia, N. H. having received a letter of dismissal from her lover, was driven to despair by his perfidy. She took the letter and a pen knife, went to the scene where the late Mr. Parker was murdered, hung her bonnet on the stake, placed the open letter on the ground, took the knife and cut her throat. A countryman attracted by her manner was watching her from behind a tree, on seeing the knife cried out to her with such effect, that alarmed, she fell upon the ground and was carried home. On examination, her wound appeared but slight.

LAW OF LIBEL.

The doctrine of a publication being libellous, though true, is well settled in an indictment or criminal proceeding. To constitute the truth a complete defence or justification in such a case, will depend on the motives with which it was published.—If done for good motives and justifiable ends, then it is a complete defence. But if the weapon of truth is wantonly used for the purpose of exposing personal defects, disturbing the peace of families, and holding up individuals to public contempt and ridicule, then the publication is libellous, though the matter contained in it be true.

In a civil suit, however, the truth of the libel is a complete justification; for, in the language of Chief Justice Bronson, of the Supreme Court, (in the case of Baum vs. Clause, 5th Hill's Reports.) "Our laws allow a man to speak the truth, although it be done maliciously."—[Mansfield.]

An attempt made to send 1,300 letters by the British steamer BARRANIA, on her last trip, without passing them through the United States post office, or paying the post-office dues, was prevented by returning the letters to the Boston office by the Pilot, after the Britannia got under way.